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MEMO ENDORSED

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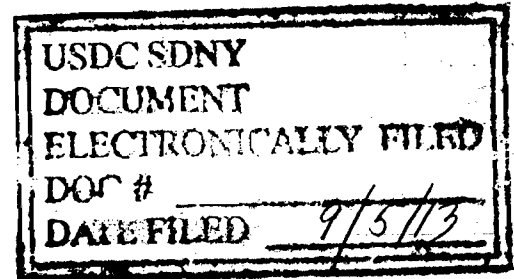
Email: drew.paris@alston.com

August 30, 2013

VIA FACSIMILE

Honorable Shira A. Scheindlin  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Courtroom 15C  
New York, NY 10007-1312

Honorable Kevin N. Fox  
Thurgood Marshall United States Courthouse  
40 Foley Square, Courtroom 220  
New York, NY 10007



Re: *Laumann, et al. v. National Hockey League et al.*, 12-cv-1817 (SAS)

Dear Judge Scheindlin and Magistrate Judge Fox:

We represent DIRECTV, LLC and its affiliated regional sports networks. We write on behalf of all parties concerning the settlement conference scheduled for September 9, 2013 before Magistrate Judge Fox. All parties believe that in light of changes to the overall schedule, the settlement conference should be deferred for approximately 90 days, until the close of fact discovery. As explained below, the parties believe that holding the conference in the first half of December would be more productive than at the present time.

The September settlement conferences were set in conjunction with Judge Scheindlin's scheduling order, dated January 3, 2013. Pursuant to the January 2013 schedule, important events were to have occurred before September 9: the parties were to have commenced depositions on April 15, filed opening and opposing class certification briefs, and deposed each party's class certification experts. The schedules, however, have changed in ways that will impact the parties' ability to assess settlement. On May 17, 2013, Judge Scheindlin extended the schedule by approximately 45 days. [Dkt. No. 136.] Further negotiations among the parties have led to other scheduling changes, which were discussed and approved in concept by the Court at the joint case hearing on July 29, 2013.<sup>1</sup> Most significantly, class certification briefing has been deferred until after the parties complete merits discovery and submit summary judgment motions. The close of fact discovery is now set for November 29, 2013. (*Id.*) No

<sup>1</sup> The parties are finalizing a stipulated scheduling order for submission to the Court.

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depositions have been taken, and none is noticed to occur before September 9. Furthermore, while the defendants have substantially completed their document productions *to the plaintiffs*, as a result of the pending dispute regarding amendments to the protective order,<sup>2</sup> the defendants have not produced documents to one another. Consequently, the parties do not believe they are in the best position at the present time to consider settlement.

In light of the alterations to the schedules, the parties respectfully request that the settlement conference be deferred until the first half of December, after the close of fact discovery on November 29, 2013. By then, depositions will be completed and the parties will be in a position to fully evaluate the case.

Respectfully submitted,



Andrew E. Paris

cc: All counsel of record (by email)

9/4/13

The settlement conference scheduled previously for September 9, 2013, will be held on December 3, 2013, at 10:30 a.m.

SO ORDERED:

Kevin Nathaniel Fox

KEVIN NATHANIEL FOX, U.S.M.J.

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<sup>2</sup> This issue was argued before Magistrate Judge Dolinger on August 29. The Court has ordered the parties to submit any additional proposed protective order language by September 3, and has not yet issued a ruling.